

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

REALTIME DATA, LLC d/b/a IXO

Plaintiff

v.

ACTIAN CORPORATION AND
PERVASIVE SOFTWARE, INC.

Defendants

NO. 6:15-cv-463-RWS-JDL

JURY TRIAL DEMANDED

**[PROPOSED] ORDER GRANTING DEFENDANTS ACTIAN CORPORATION AND
PERVASIVE SOFTWARE INC.'S MOTION TO DISMISS FIRST AMENDED
COMPLAINT**

Having considered Defendants Actian Corporation And Pervasive Software Inc.'s Motion To Dismiss First Amended Complaint ("Motion") and the responses thereto, the Court finds that the Motion is meritorious and should therefore be GRANTED.

Therefore IT IS HEREBY ORDERED that the Motion is GRANTED and the First Amended Complaint in this action (Dkt. No. 100) is dismissed with prejudice, including with respect to the claims for infringement based on U.S. Patent Nos. 9,116,908 (the "'908 patent") and 7,415,530 (the "'530 patent") on the grounds that claims of those patents fail to patent eligible subject matter under Section 101 of the Patent Act. 35 U.S.C. §101.